

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ALICE KIEFT,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,  
AMERICAN EXPRESS COMPANY LONG  
TERM DISABILITY PLAN, and  
AMERICAN EXPRESS COMPANY LIFE  
INSURANCE PLAN,

Defendants.

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CIVIL ACTION NO.:

04-10949 NMG

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT**

Plaintiff, ALICE KIEFT, by her undersigned attorney, respectfully moves this Court for leave to amend her Complaint. In support of this motion, Plaintiff states as follows:

1. The above-referenced action was filed on or about May 12, 2005; the parties appeared for the initial scheduling conference on July 19, 2005. This action is one seeking payment of salary continuation benefits, long-term disability ("LTD") benefits, and life insurance continuation benefits based upon Plaintiff's continuing disability.
2. While the LTD and life insurance benefit claims are governed by ERISA, the salary continuation benefits are not. In her initial Complaint, the Plaintiff had included a count for payment of the salary continuation benefits under a contract theory. In her proposed Amended Complaint, the Plaintiff also includes an alternative count for salary continuation benefits using a promissory estoppel theory.
3. A copy of the proposed Amended Complaint is attached hereto.
4. Defendant would not be unduly prejudiced by the allowance of Plaintiff's Motion

for Leave to Amend her Complaint.

WHEREFORE, the Plaintiff respectfully requests leave to Amend her Complaint,  
in the form attached hereto.

Dated: Haverhill, MA  
July 29, 2005

By her attorney,

LAW OFFICE OF  
STEPHEN L. RAYMOND, ESQ.

By: /s/ Stephen L. Raymond  
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